

REMARKS

The specification has been amended to delete the language objected to by the examiner without prejudice to seeking reconsideration by the examiner of his interpretation of paragraph 42.

Reconsideration is respectfully requested of the rejection of claims 12-14 and 18-20 under 35 USC §101 as being non-statutory. The possibility that the RFID tag might contain unclaimed non-statutory subject matter is believed to be irrelevant to whether the claimed combination of an RFID tag and a seal is statutory. Applicant submits that the combination claimed is clearly statutory.

Reconsideration is respectfully requested of the rejection of claims 12-14 and 18-20 under 35 USC §112, first paragraph. The language objected to by the examiner has been deleted.

Reconsideration is respectfully requested of the rejection of claims 12 and 18 under 35 USC §112, second paragraph. Claim 18 has been amended to depend from claim 12. With regard to claim 12, applicant submits that the disclosure in question is directed to sterilizing cassettes, which are well known to use seals for maintaining the contents of the cassette in a sterile condition. Accordingly, applicant submits that one of ordinary skill in the art would have understood that the purpose of the seal is to tightly close the cassette.

Reconsideration is respectfully requested of the rejection of the claims under 35 USC §103 as unpatentable over Veitch in view of Ng and Teller.

Veitch provides no reason for one of ordinary skill in the art to place an RFID type device in the seal of a container.

The Ng patent teaches that the seal itself is electronic, whereas in the claimed invention, the tag is not the seal. It is in the seal but is separate from it. Thus, the combination proposed by the examiner would not result in the invention as claimed.

Applicant further submits that the reference to Teller provides nothing that would provide a person of skill in the art to combine the references of record to obtain the claimed invention.

Accordingly, it is submitted that this application is in condition for allowance and an early indication thereof is respectfully requested. The examiner is invited to contact the undersigned with any outstanding issues.

All necessary extensions of time are hereby requested. Please charge any fees, including the RCE fee to deposit account 50-1088.

Respectfully submitted,
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